

## UNITED STATES DISTRICT COURT

for the  
District of ArizonaMA  
11/3/17  
United States of America )

v. )

Roberto Luna Prieta,  
a.k.a.: Roberto Luna Rios,  
(A087 451 021)Defendant )

Case No. (17-7548 MJ)


## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 2, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

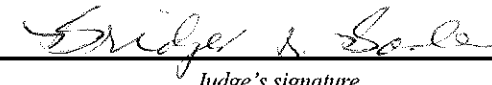
Roberto Luna Prieta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 21, 2009, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**celb  
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Natalie B. Huddleston☒ Continued on the attached sheet.  
Complainant's signatureSteven T. Case,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 6, 2017  
Judge's signatureCity and state: Phoenix, ArizonaBridget S. Bade,  
United States Magistrate Judge

Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

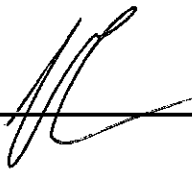
I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 2, 2017, Roberto Luna Prieta was booked into the Maricopa County Jail (MCJ) facility by the Phoenix Police Department on local charges. While in custody at the MCJ, Luna Prieta was encountered by ICE Officer R. Silva who determined him to be a citizen of Mexico, illegally present in the United States. On November 3, 2017, an immigration detainer was lodged with the county jail. On the same date, Luna Prieta was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Luna Prieta was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Roberto Luna Prieta to be a citizen of Mexico and a previously deported criminal alien. Luna Prieta was removed from the United States to Mexico at or near Nogales, Arizona, on or about May 21, 2009, pursuant to

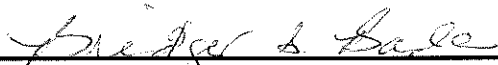
the reinstatement of an order of removal issued by an immigration judge. There is no record of Luna Prieta in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Luna Prieta's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Roberto Luna Prieta was convicted of Possession of Narcotic Controlled Substance, a felony offense, on September 30, 1999, in the Superior Court of California, Santa Maria County. Luna Prieta was sentenced to thirty-six (36) months' probation.
5. On November 3, 2017, Roberto Luna Prieta was advised of his constitutional rights. Luna Prieta freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 2, 2017, Roberto Luna Prieta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 21, 2009, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply

for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

  
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Steven T. Case,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 6<sup>th</sup> day of November, 2017.

  
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Bridget S. Bade,  
United States Magistrate Judge